

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

TAMMY DAWN MABERRY,)
)
Plaintiff,)
)
v.) No. 3:13-cv-00499
)
NUCLEAR FUEL SERVICES, INC.)
)
Defendant.)

MOTION TO TRANSFER VENUE

Comes now the Defendant, Nuclear Fuel Services, Inc. ("Defendant"), and pursuant to 28 U.S.C. § 1404(a), moves the Court to transfer venue in this action to the United States District Court for the Eastern District of Tennessee at Greeneville, Tennessee. In support of this Motion, Defendant relies upon the Memorandum In Support of Motion to Transfer Venue filed herewith. In further support of this Motion, Defendant states the following:

1. This lawsuit was originally filed in the Circuit Court for Knox County, Tennessee wherein Plaintiff alleged discrimination relating to her employment under the Tennessee Human Rights Act ("THRA").

2. Plaintiff presumably chose that venue because Defendant's registered agent for service of process, CT Corporation, is located at 800 South Gay Street, Knoxville, Tennessee 37929.

3. Plaintiff, upon receiving her "right to sue letter" from the United States Equal Employment Opportunity Commission ("EEOC"), amended her Complaint to include claims for

discrimination under Title VII of the Civil Rights of 1964 as amended by Title I of the Civil Rights Act of 1991 ("Title VII").

4. Defendant timely removed Plaintiff's suit to the United States District Court for the Eastern District of Tennessee at Knoxville, Tennessee, and filed an Answer to Plaintiff's First Amended Complaint on Monday, August 27, 2013.

5. Plaintiff's claims under Title VII could have been brought in the United States District Court for the Eastern District of Tennessee at Greeneville, Tennessee because the litigation involves claims brought under federal law; the Eastern District of Tennessee at Greeneville, Tennessee could have exercised personal jurisdiction over the Defendant; and venue would have been proper in the Eastern District of Tennessee at Greeneville, Tennessee.

6. The convenience of the parties and witnesses also strongly supports transfer to the United States District Court for the Eastern District of Tennessee at Greeneville, Tennessee. Defendant is physically located at 1205 Banner Hill Road, Erwin, Tennessee 37650, and it is clear that the relevant witnesses and discovery will also be located within the jurisdiction of the United States District Court for Eastern District of Tennessee at Greeneville, Tennessee, where Defendant made its decisions related to Plaintiff's employment.

7. The only relevant witness or party known at this time not to be within the jurisdiction of the United States District Court for Eastern District of Tennessee at Greeneville, Tennessee, is Plaintiff. Defendant, based upon Plaintiff's First Amended Complaint, believes Plaintiff to live in Virginia.

WHEREFORE, Defendant respectfully requests that the Court grant this Motion, transfer this lawsuit and all causes asserted herein to the United States District Court for the Eastern

District of Tennessee at Greeneville, Tennessee, and grant Defendant such other and further relief to which it may be entitled.

DATED this 29th day of August, 2013.

Respectfully submitted,

s/ Jennifer P. Keller
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CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2013, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt

s/ Jennifer P. Keller
Attorney